

**REMARKS**

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority. However, the Examiner indicates that the certified copy of the priority document has not been received. Applicants note that the present application is a U.S. National Stage of International Application No. PCT/JP2004/011207, and that the International Bureau forwards the certified copy of the priority document to the U.S. Receiving Office. A review of the Image File Wrapper in PAIR discloses that the certified copy of the priority document was received on January 27, 2006. Accordingly, the Examiner is respectfully requested to confirm receipt of the certified copy of the priority document in the next official communication.

Applicants thank the Examiner for indicating that claims 2 and 5-11 contain allowable subject matter, and that these claims would be allowable if they are amended to be placed into independent form. As will be discussed below, Applicants submit that independent claim 1 (from which claims 2 and 5-11 depend) is allowable over the applied art of record, and thus, has elected not to place claims 2 and 5-11 into independent form at this time. However, Applicants expressly reserve the right to do so at a later time.

The Examiner objects to the drawings, noting several informalities therein. By the current response, Applicants submit Replacements Drawings that are revised paying close attention to the concerns raised by the Examiner. Accordingly, the Examiner is respectfully requested to withdraw the objection to the drawings.

The Examiner objects to the title of the application as not being descriptive. Applicants herewith amend the title to a form that is submitted to be descriptive of the claimed invention. Accordingly, the Examiner is respectfully requested to withdraw this ground of objection.

The Examiner rejects claims 1, 3, 12 and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,899,599 to KATO. Applicants respectfully traverse this ground of rejection.

According to a feature of the present invention, as recited in claims 1 and 17, a controller controls an image forming operation of an image former so that heat-fixing of an unfixed toner image onto a recording medium starts at a predetermined time before a temperature detected by a temperature sensor reaches an image fixing temperature. That is, as generally recited in independent claims 1 and 17, the heat-fixing operation of an unfixed toner image onto the recording medium starts when the state of the temperature detected by the temperature sensor is lower than the image fixing temperature. This has the advantage of eliminating a first print start time delay without using a temperature sensor that has a small thermal time constant. See, for example, page 16, line 9 to page 17, line 6 of Applicants' specification.

Applicants submit that at least this feature is not disclosed (or even suggested) by KATO. Applicants submit that KATO discloses that a recording sheet is passed between rollers 1 and 4 after the completion of the warm-up period. As shown in Figs. 4 and 5 of KATO, the warm-up period ends after the detected temperature is beyond a fixing temperature and the recording sheet passes between rollers 1 and 4, which delays the first print start time.

Accordingly, Applicants submit that KATO fails to disclose (or even suggest) controlling the image forming operation of an image former so that the heat-fixing of an unfixed toner image onto the recording medium starts at a predetermined time before the temperature detected by a temperature sensor reaches the image fixing temperature. As a result, Applicants submit that the pending claims are not obvious over KATO, and respectfully request withdrawal of the 35 U.S.C. §102 rejection of claims 1, 3, 12 and 17.

The Examiner rejects dependent claims 4 and 13 under 35 U.S.C. §103(a) as being obvious over KATO in view of U.S. Patent Application Publication No. US 2002-0085867 to SAMEI et al., and rejects dependent claims 14-16 under 35 U.S.C. §103(a) as being obvious over KATO in view of U.S. Patent 5,299,870 to MORITANI. Applicants respectfully traverse both grounds of rejection.

Applicants submit that SAMEI et al. and MORITANI each fail to disclose or suggest that which is lacking in KATO. Specifically, Applicants submit that these references fail to teach controlling an image forming operation of an image former so that the heat-fixing of the unfixed toner image onto the recording medium starts a predetermined time before the temperature, that is detected by the temperature sensor, reaches the image fixing temperature. Thus, even if one were to attempt to combine the teachings of KATO and SAMEI et al., or KATO and MORITANI, in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, in which the heat-fixing operation of an unfixed toner image onto the recording medium starts when the state the temperature detected by the temperature sensor is lower than the image fixing temperature. Accordingly, Applicants submit that the claims are allowable over the prior art combinations set forth by the Examiner, and the Examiner is respectfully requested to withdraw the 35 U.S.C. §103 rejections, and to confirm the allowability of claims 4 and 13-16.

#### SUMMARY AND CONCLUSION

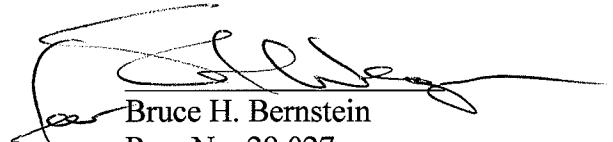
In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,  
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